

Upon the question—Shall the rules be waived?

The vote was—

Yeas—Messrs. Crawford, Dennis, Fortner, Ginn, Hill, Jenkins, Knight, McAuley, McKinnon, Oliveros, Pope, and Sturtevant—12.

Nays—Messrs. Eagan, Henderson, Johnson, McCaskill, Meacham, Pearce, Potter, Smith, and Sutton—9.

So the motion was lost and the bill ordered engrossed.

Senate Bill No. 60:

A bill entitled An act in Relation to the time of Holding the Courts in the Fourth Judicial Circuit of Florida,

Came up, and was read the second time.

On motion of Mr. Jenkins the rules were unanimously waived, the bill read the third time and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—22.

Nays—None.

So the bill passed, title as stated.

Assembly Bill No. 37:

Entitled An act for the Relief of Hilliard Jones, Jr.,

Came up, and was read the second time.

On motion of Mr. Meacham the Senate went into Executive session.

EXECUTIVE SESSION.

The following Executive nominations were confirmed:

Leslie A. Reed, to be Assessor of Taxes for Jefferson county.

The doors were opened.

On motion of Mr. McCaskill, the Senate adjourned until to-morrow morning at ten o'clock.

FRIDAY, FEBRUARY 14, 1873.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Billings, Crawford, Eagan, Fortner, Ginn, Hill, Jenkins, Johnson, Long, McAuley, McKinnon, Meacham, Oliveros, Pope, Smith, Sturtevant, and Sutton—17.

Prayer by the Chaplain.

On motion of Mr. Jenkins the reading of the journal was dispensed with and approved.

The following communication from the Comptroller, accompanying the message from the Governor on the 13th inst., having been by mistake left out of the journal of that date, it was ordered that the communication be printed in to-days' journal.

OFFICE OF COMPTROLLER,
TALLAHASSEE, Fla., February 12, 1873. }

SIR: I desire to call your attention to the large amount of jurors' and witnesses' certificates issued from the Circuit Court of Duval county for the year 1872, as appears by the report of the clerk of said court:

For the spring term—

Jurors, \$2,395.95

Witnesses, 3,587.05

Fall term—

Jurors, 2,627.15

Witnesses (only a partial report, another list yet to be sent), 4,850.80

Total, \$13,460.95

Very respectfully,

C. A. COWGILL, Comptroller.

To His Excellency O. B. HART,
Governor of Florida.

Mr. Jenkins introduced the following resolution:

Resolved by the Senate, the Assembly concurring, That the resolution fixing the 15th inst. as the day for the adjournment of the present session of the Legislature be, and the same is hereby, rescinded;

Which was laid upon the table.

Mr. Knight offered the following resolution:

Resolved by the Senate, the Assembly concurring, That the Governor and Comptroller are hereby authorized and directed to ascertain the entire amount of the indebtedness of the State of Florida, of every character and description, including the bonded debt as well as the floating. To accomplish such purpose these officers are invested with full powers to send for persons and papers, and to do all and every act necessary to accomplish the end specified, and all officers of the State of Florida are required to lend their aid to the accomplishment of the object desired;

Which was adopted.

The following memorial was received and read:

To His Excellency, the President, and Congress of the United States of America:

Anton Sontag, a citizen of the United States, does hereby, himself, respectfully submit to your honorable body the following propositions:

Emigration of the South Slavic nationalities to the United States of America is possible, when the Congress of the United States shall decide to establish navigation and a line of steamers, or to be created a Navigation and Steamer's Company, with subsidy of the United States, to land at Black Sea, Dardanel, and Adriatic, or several points of Italy, France, and Spain, if wanted, even so shall be decided the establishment of a General Emigrant Agency, who shall appoint other agents abroad.

From the Kingdom of Bulgaria, governed by Sublime Porte—inhabitants from 8,000,000 to 10,000,000.

Principality of Serbia, governed by the Prince of Serbia, under the sovereignty of Sublime Porte—inhabitants, 2,000,000.

Dukedom of Serbia, governed by Hungary—inhabitants, 2,000,000, besides the other nationalities.

Kingdoms of Slavonia and Croatia, governed by Hungary—inhabitants, 2,600,000.

Kingdom of Little Croatia, governed by Sublime Porte—inhabitants, 600,000.

Dukedom of Bosnia, governed by Sublime Porte—inhabitants, 6,000,000.

Dukedom of Herzegovina, governed by Sublime Porte—inhabitants, 1,500,000.

Kingdom of Dalmatia, governed by Austria—inhabitants, 800,000.

Dukedom of Istria, governed by Austria—inhabitants, 800,000.

Dukedom of Gærtz and Frijaul—inhabitants, 600,000.

Arch-Dukedom of Stiria and Corinthia, governed by Austria—inhabitants, 2,500,000.

Dukedom of Krain, governed by Austria—inhabitants, 800,000.

Kingdom of Hungaria, governed by Hungary—inhabitants, 2,000,000 slovaes besides other nationalities.

All these above named people speak the South Slavic Language, and have a custom—are beautiful, strong built, and long lived, much above seventy-five and eighty years. Generally these people work from the day dawn to dark, some seasons fourteen hours a day, and longer, too. These people are left alone by their governments, and are politically oppressed in their own native country.

The emigration can be very successful. When the first emigrant shall be brought on the United States expenses, but only man, aged forty or older, and his wife and child, or more chil-

dren, even so with every married couple, younger than forty, with or without children, shall be free of expenses and carried for business, farming, mechanics and labor, and works, in that case we can have emigrated in ten years' time 3,000,000 to 5,000,000, and more too.

Now, as I was born in the South Slavic country, and have been a member of the South Slavic nationality, and speak every dialect of Slavic language, and have a great influence over these people, I petition his Excellency, the President and Congress of the United States, to pass a resolution, of the establishment of the above said navigation line of steamers, or creation of the Navigation and Steamer's Company, with the United States subsidy, and to appoint me for a General Agent, and I shall then establish a Navigation and Steamship Company. I shall bring, sometimes by appointed Emigrant agents, a quarter of a community of emigrants at a time to this country, but these intentions shall not be made public until the line of navigation and steamships is established, but the appointed agent shall prepare the people for emigration.

I also petition the State Legislature of the State of Florida, to pass a resolution in favor of this petition, and to recommend the bill to the Congress of the United States for its passage.

NEW ORLEANS, La., February, 1873.

ANTON SONTAG.

Mr. Henderson moved that the reading of the memorial be dispensed with and referred to the Committee on Commerce, Which was agreed to.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER,
TALLAHASSEE, February 14, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred—

Senate Bill No. 17:

Entitled An act for the Relief of Wm. H. Milton, former State Attorney for the First Judicial Circuit;

Also:

Senate Bill No 25:

Entitled An act to Repeal Chapter 1831 of the Laws of Florida, entitled An act to Incorporate the Passenger and Freight Street Car Rail Company;

Also:

Senate Bill No. 24:

Entitled An act to Define the Boundary of Jackson county;

Also:

Senate Bill No. 20:

Entitled An act to Authorize the Pensacola and Louisville Railroad Company to Construct, Own, and Operate a Telegraph Line or Lines upon the Right of Way of said Company; beg leave to Report that they have examined the same, and found them correctly enrolled.

Respectfully,

HIRAM POTTER, Chairman.
ROBERT MEACHAM,
A. D. MCKINNON,
H. JENKINS,
M. A. KNIGHT.

Which was read, and the accompanying bills were signed by the officers of the Senate.

The following communication was received from the Assembly:

ASSEMBLY HALL,
TALLAHASSEE, February 14, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day adopted the following joint resolution:

A Joint Resolution in Reference to Election of State Printer.

Very respectfully,

H. S. HARMON,
Clerk of the Assembly.

And the following Assembly Concurrent Resolution was read and adopted.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of Florida do convene in joint session on Friday, the 14th instant, at four o'clock P. M., for the purpose of electing a State Printer in accordance with law.

The following communication was received from the Assembly:

SENATE CHAMBER,
TALLAHASSEE, Fla., February 13, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day passed the following bill:

An act to authorize the Pensacola and Louisville Railroad Company to Construct, Own, and Operate a Telegraph Line or Lines upon the Right of Way of said Company.

Very respectfully,

H. S. HARMON,
Clerk of the Assembly.

And the accompanying bill ordered to be enrolled.
The Committee on Claims made the following report:

SENATE CHAMBER, February 13, 1873.

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred Bill No. 73, for the Relief of Allen O'Quinn, beg leave to report that they have examined the same and recommend that it do not pass.

Respectfully,

FREDERICK HILL,
Chairman Committee on Claims.
E. T. STURTEVANT,
E. G. JOHNSON.

And the accompanying bill placed among the orders of the day.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER, February 14, 1873.

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred Senate Bill No. 65, entitled An act to Incorporate the Jacksonville Publishing Company, beg leave to report that they have examined the same and find it correctly engrossed.

Respectfully,

E. T. STURTEVANT, Chairman.
L. BILLINGS,
T. W. LONG,
M. G. FORTNER,
JNO. L. CRAWFORD.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER,
TALLAHASSEE, February 14, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred—
Senate Bill No. 30:

Entitled An act in Relation to Tax on Soda Fountains;

Also:

Senate Bill No. 7:

Entitled An act for the Relief of Messrs. Walker & Baker, and Brevard; beg leave to report that they have examined the same and find them correctly enrolled.

Respectfully,

HIRAM POTTER, Chairman.
H. JENKINS,
ROBERT MEACHAM,
M. A. KNIGHT,
A. D. MCKINNON.

And the accompanying bills were signed by the officers of the Senate.

Mr. McCaskill moved that the Committee on Printing be requested to report Assembly Bill No. 35 to the Senate immediately.

Mr. Johnson moved that the committee be given until 4:30 this afternoon to make their report, and that the bill be made the special order for that hour;

Which was agreed to.

The following messages were received from the Governor:

EXECUTIVE OFFICE,
TALLAHASSEE, Fla., February 14, 1873. }

To the Legislature:

GENTLEMEN OF THE SENATE: I have received the enclosed communication from the Hon. C. A. Cowgill, Comptroller of this State, and transmit the same with the accompanying copy of the letter of F. A. Dockray, President of the Jacksonville and St. Augustine Railroad Company, for your information, and for such action as you may consider for the best interests of the State.

Very respectfully,
O. B. HART, Governor.

Hon. M. L. STEARNS,
President of the Senate.

OFFICE OF COMPTROLLER,
TALLAHASSEE, Fla., February 14, 1873. }

SIR: I have the honor to transmit for your information a copy of a communication received from F. A. Dockray, president of the Jacksonville and St. Augustine Railroad Company, relinquishing the claim and right of said railroad company to the State endorsement of \$500,000 of the bonds of the Jacksonville and St. Augustine Railroad Company, authorized by the act approved February 18, 1870.

There are several acts granting State aid to existing and projected railroads, which might be repealed with advantage to the credit of the State.

Very respectfully,
C. A. COWGILL, Comptroller.

Hon. O. B. HART, Governor of Florida.

TALLAHASSEE, Fla., February 10, 1873.

Dr. C. A. Cowgill, State Comptroller, Tallahassee, Fla.:

DEAR SIR: After consultation with the directors and several stockholders of our company, we have agreed to relinquish our lawful claim and right to the State endorsement of \$500,000 of

the bonds of the Jacksonville and St. Augustine Railroad Company, authorized by our charter, approved February 18, 1870.

We are led to this action in view of the urgent necessity for some earnest and decided measure or policy which will tend to restore the public credit, and assist in establishing confidence in the political and financial integrity of the State.

Although in the future the State guarantee to our bonds might be made practically available for our benefit, yet I firmly believe that what we may lose in that respect will be amply returned to us by the general confidence which may be inspired by this action if followed by other corporations and by the Legislature itself.

I am glad of the opportunity to take a step which, I may be allowed to frankly confess, is intended to assist by practical means in the work of financial reform which the Governor has emphatically foreshadowed in the character of his appointments to office; and I hope that the Legislature will exhibit a disposition as sincere and decisive as we now tender to you.

Very respectfully,

(Signed) F. A. DOCKRAY,
President Jacksonville and St. Augustine Railroad Co.

Also:

EXECUTIVE OFFICE,
TALLAHASSEE, Fla., February 14, 1873. }

To the Legislature:

GENTLEMEN OF THE SENATE: I have received the enclosed communication from the Hon. William A. Cocke, Attorney-General of this State, and communicate the same to the Senate and Assembly with the request that such action be taken thereon as may be deemed best for the interests of the State.

Very respectfully,

O. B. HART, Governor.

Hon. M. L. STEARNS, President of the Senate.

To His Excellency Ossian B. Hart, Governor:

Having observed in the proceedings of the House of Representatives that a resolution of inquiry relative to the four millions of State bonds issued in aid of the Jacksonville, Pensacola and Mobile Railroad Company has been referred to the House Committee on Railroads, I desire to lay before your Excellency matters which have come to my knowledge, from sources deemed to be reliable, relative to the disposition made and proposed to be made of such bonds, which, in my opinion, show that immediate action is needed on the part of the government of the State to protect its interest, and to prevent, if possible, the entire loss of the funds provided by law in aid of the railroad.

I send herewith a newspaper which contains an account stated to have been made by S. W. Hopkins & Co., of New York, which account, I am informed, contains in many respects correct statements of payments made by said firm, by order of officers of the railroad company, from money received by Hopkins & Co. from John Collinson, of London, for 2,800 of the State bonds which Hopkins & Co., when acting as agents of the railroad company, sold to him. A portion of the amounts charged in the account, I am informed, has never been paid. I am not, of course, able to state with precision what were the actual payments made by Hopkins & Co. out of the fund, but to the best of my information it exceeds six hundred thousand dollars. Of this large amount I am satisfied, from an examination of the items in the account, not more than one hundred and seventy-five thousand dollars were applied to the equipment, construction, or repair of the railroad. A large sum, about three hundred thousand dollars, I am informed, was paid to parties from whom Milton S. Littlefield purchased shares of stock in the Florida Central Railroad, and which stock he claims to be his property. About fifty thousand dollars was paid to Aaron Barnett on a contract made with him by the said Littlefield relative to the navigation and trade of the Chattahoochee river, and for steamboats. Fifty thousand dollars were paid to a certain railroad in North Carolina on account of a large claim made by it against said Littlefield. One hundred and five thousand dollars were paid to J. B. Clark, the brother-in-law of Littlefield, part of which was on account of a judgment obtained by the United States against the Pensacola and Georgia Railroad. Fifty thousand dollars were paid to G. W. Swepson, and about twenty thousand dollars to a Tennessee bank, both of which payments were on account of private transactions of said Littlefield. I have specified the foregoing amounts of the money misappropriated, basing the statement on particular and reliable information as to the remaining sums charged in the account, whether paid or unpaid. I am informed that they are likewise unjustifiable demands against the Bond Fund, arising out of transactions foreign to the purposes to which the bonds were issued.

It will be observed by the Legislature, upon examination of the account, that Hopkins & Co. admit a sale by them of 2,800 bonds. The amount for which they give credit on this account is nine hundred and ninety-seven thousand nine hundred and twenty dollars; the amount stated as received per bond, one hundred pounds sterling; from this was deducted ten pounds per bond for commission, making on 2,800 bonds twenty-eight thousand pounds sterling—about one hundred and forty thousand dollars. There was also deducted twenty-four pounds per bond—sixty-seven thousand two hundred pounds—about three hundred and forty thousand dollars, which amount was deposited in Lon-

don to meet the first three instalments of interest. It thus appears from the account, taking the price at which the bonds are stated to have been sold as correct (which will hereafter appear not to be so), that the amount received for the 2,800 bonds equalled one million four hundred thousand dollars!!—and yet the total credit given in the account is nine hundred and ninety-seven thousand nine hundred and twenty dollars, a subtraction of four hundred thousand dollars, equal to thirty-four per cent. of the amount for which the bonds are stated to have been sold.

Disastrous as the above transaction may appear, there had taken place another shave by Hopkins & Co. They received in fact from Collinson one hundred and thirty-eight pounds sterling per bond, instead of one hundred pounds, equal to one million nine hundred and thirty thousand dollars, and nearly one million of dollars more than the net amount for which credit was given by them, and five hundred and thirty thousand dollars more than the sum of money which Hopkins & Co. in the account stated as the net amount received by them for the bonds.

It will be seen by reference to a letter signed M. S. Littlefield, dated in London, November 14, 1870, that he offered to sell the bonds to Hopkins & Co. for one hundred pounds per bond. They, H. & Co., allege they had a right to credit the bonds in their account at that rate because of this offer, which they assert they accepted and acted on. Collinson states in a bill in Chancery filed by him against Hopkins & Co., that his contract for purchase of the bonds had been already completed when Littlefield wrote the letter above stated; that Littlefield knew the fact, and it also appears by a sworn statement made by Hopkins & Co. that they did not accept Littlefield's offer until two weeks after they had made the sale to Collinson.

Twelve hundred of the four thousand bonds remained in the hands of Hopkins & Co. in October, 1871, and are specified in a deed of trust made by the Co. to F. H. Flagg and C. L. Chase, and are thereby conveyed in trust to be applied *solely* to the construction of the unfinished portion of the road. These Trustees laid before the members of the Legislature at its last session a letter signed by them, in which they submit extracts from this deed, state the objects of it, and assert that up to that time they had not received any money from the sales of the bonds. This was true at the time. Since then C. L. Chase, one of said Trustees, obtained a power of attorney from the officers of the railroad company, and under it placed one hundred and ninety of the bonds in the hands of L. P. Bayne, of New York, giving at same time to Hopkins & Co. a release of all liability to the railroad company, as a means of obtaining possession of said bonds, one hundred and sixty-six of which Chase sold to Collinson, and paid to Bayne about one hundred thousand dol-

lars in gold from the proceeds, to be credited by Bayne on an account which he sets up against the railroad for damages, amounting to two hundred thousand dollars, for a breach of a contract made by Littlefield with him, by which Bayne was to be employed to sell the bonds. This claim Chase liquidated at one hundred and fifty thousand dollars, and secured to Bayne the 190 bonds. Chase, also as attorney, agreed in addition to the cash paid to Bayne, to secure him out of the future sales of such of the 1,200 bonds as he might get possession of, a further sum sufficient to make up the amount of one hundred and fifty thousand dollars.

Chase, as agent of the road, also agreed to pay Bayne from the sales of the bonds, and from other resources belonging to the railroad, a further sum of one hundred and fifty thousand dollars, which Bayne claimed he had advanced to Littlefield for the purposes of the railroad, and for which he had in possession about four hundred thousand dollars of State bonds, called six per cent. bonds, as collateral, which bonds Bayne has been pressing the Legislature to redeem for several years, and his debt has been represented by those who supported his request as a debt due by the State for money advanced by Bayne for the benefit of the State.

Chase, also as attorney for the road, agreed with the agents of the Western Division of the Western North Carolina Railroad, to apply two hundred thousand dollars out of the proceeds of the sale of the said 1,200 bonds so remaining unsold, whenever payment therefor should be received from Collinson, to pay towards a debt due by Littlefield to said road. The balance of said debt he agreed should be secured and paid by the Jacksonville, Pensacola and Mobile Railroad in like manner as was agreed for the payment to Bayne.

The debt claimed by the North Carolina Railroad to be due to it by Littlefield arose out of his connection and that of George W. Swepson with the business of said road. Littlefield has been indicted in North Carolina on account of his acts as president of such road. He was demanded of your predecessor by the Governor of North Carolina, but owing, as I am informed, to certain proceedings in our State courts, he was not delivered up.

C. L. Chase, acting under the power of attorney given to him by the Jacksonville, Pensacola and Mobile Railroad, and also in his capacity as Trustee under the deed of trust, united in New York in November or December last, with the agents of the North Carolina Railroad, L. P. Bayne and others, and procured and caused to be entered in a court in the city of New York a decree whereby the Jacksonville, Pensacola and Mobile Railroad and the Trustees consented that the bonds remaining unsold (except 224, which are to be returned to the State), are

to be delivered to Collinson, who is to have the right to buy them at any time inside of seven months. If Collinson does purchase, the price of the bonds is to be paid by him to the National Trust Company, of New York city, by it to be kept subject to the said decree, which provides that the money shall be paid out as follows: The North Carolina Railroad is to get \$200,000; L. P. Bayne, \$60,000; Chase and his company, \$80,000; Aaron Barnett, \$30,000; Calvin Littlefield, \$25,000; Collinson's lawyer, Hopkins' lawyer, Receiver, &c., about \$25,000, and sundry other sums are to be paid, amounting to more than the sum for which the bonds will sell. I shall be able to lay before you a copy of this decree.

I am informed that the railroad company has assented to the entry of judgments in Gadsden Circuit Court in favor of Chase and his co-partners, who were contractors to construct the road to Mobile, doing business under the style of the "Florida Construction Company." The judgment is asserted to be given for money due the company for work done on the road and material furnished. I am assured that of the amount for which judgment was taken more than two-thirds is for money for which the road is not liable, and as to matters disconnected with its construction. I am also informed that Chase received of Bayne nearly forty thousand dollars in connection with the sale of the bonds, and part of the sum of one hundred thousand which Chase secured to Bayne.

The Florida Construction Company caused the steamboats which the railroad company owned to be attached in Georgia in a suit based on the said judgment, and that the boats were sold for a small sum. The railroad being thereby unable to carry freight on the river, the earnings fall short a very large amount of what they would have been.

Two other judgments have been obtained in Gadsden county against the railroad, and on the first Monday of January last twenty miles of the road, which had been levied on under executions issued on the several judgments, were sold by the sheriff, and the purchaser is in possession and claims to hold independent and free of the lien of the State adverse thereto. No notice of this illegal sale was given to the State authorities by the railroad company, so far as I am informed, and no application was made to the courts to prevent the sale.

At the last term of the United States Circuit Court held in Jacksonville, certain persons, citizens of other States, obtained a decree by the consent and assistance of the president, Milton S. Littlefield, by which the Marshal of the Northern District is directed to take possession of that portion of the line of road between Lake City and Quincy, and between Tallahassee and St. Marks, and to sell the same at public outcry to satisfy and pay a sum of four hundred thousand dollars, or thereabouts,

being the amount of principal and interest of bonds issued by the Pensacola and Georgia Railroad, which were provided to be paid by the sale of the Pensacola and Georgia Railroad which was made by the Trustees of the Internal Improvement Fund. The holders of these bonds were not paid because the Trustees took the check of George W. Swepson as cash, which check has never been paid. At the time when the decree was rendered in the United States Circuit Court, the road was in the hands of a Receiver, appointed by the Judge of the Second Judicial Circuit at the suit of certain parties. The suit was afterwards dismissed; and thereupon, by order of the Judge of the State Court, the Receiver gave up possession of the road, and the United States Marshal took possession of it under the authority of the decree of the United States Circuit Court. A Receiver had been in possession of the road under an order made by the Judge of the Fifth Circuit of the State, in a suit brought by the Trustees of the Internal Improvement Fund, but the Judge of the Second Circuit treated the order as null and put his own Receiver in possession, as before stated.

I am informed that a sale of the road will be made by the Marshal in a few weeks, unless prevented by judicial authority. It is thus apparent that the lien of the State on a large portion of the line of railroad owned by the Jacksonville, Pensacola and Mobile Railroad is in danger of being rendered insecure, and that the earnings will be applied by those who purchase the road at the sale under the legal proceedings stated. The entire scheme of railway connection with Mobile will be thus destroyed and the State greatly damaged. This result is not only the consequence of the illegal acts of the officers of the Jacksonville, Pensacola and Mobile Railroad, the result of the gross frauds in respect to the bonds, but has been aided overtly and covertly by the president of the road.

That portion of the line of the road between Lake City and Jacksonville is also in the hands of a Receiver, and is operated by him as an independent road. The suit in which the Receiver was appointed was brought to establish the claims of a party who alleges that he has stock in the corporation by which said part of the line of the Jacksonville, Pensacola and Mobile Railroad was formerly owned, and he alleges that the Florida Central Railroad, which was formed by those who purchased said line of road at the sale thereof in 186- by the Trustees, is still the owner thereof, and still in existence as a corporation; that such corporation never was merged in the company called the Jacksonville, Pensacola and Mobile Railroad; that the issuance of State bonds based on such line of road was illegal, and that the State has no lien on the road.

It will be seen that the State is deeply interested in this question. The principal owner of the stock in the Florida Central

road is Milton S. Littlefield. He purchased the greater part of the stock with money which he obtained from Hopkins & Co. out of the proceeds of the sale of the 2,800 State bonds. He has endeavored to keep separate the business accounts of the line formerly owned by the Florida Central road, and by his votes and that of others he has kept on foot a separate set of officers, such as president and directors, of said Central road.

By the terms of the law under which the State bonds were issued to the Pensacola and Mobile Railroad, the road was to pay interest to the State each six months, and the State was to pay interest to the bondholders. The fund provided by law to pay such interest was to be derived from the net earnings of the road. It was asserted by the company that when the road should be repaired, equipped and extended from Quincy to the river (twenty miles), the earnings would be sufficient to pay interest on the four million dollars. The result has been otherwise. They have not increased; the road has been and is, out of repair; the rolling stock has run down and been destroyed by reason of the bad condition of the road. The expenses have been great, enormous salaries utterly beyond the business done have been paid, and a large amount of the earnings has been spent in litigation and in improper and illegal ways. The extra expenses which have been, by the placing of the road at various times in hands of receivers of courts, have been and should have been avoided. Owing to these causes no interest has been paid by the road to the State to enable it to pay the interest on State bonds. I am assured, however, that all the interest coupons up to this date have been cancelled, and that all will be delivered to the State. I regret, however, to learn that this result has been obtained by appropriating money paid by Collinson for the bonds; that already a sum of between four and five hundred thousand dollars has been spent of the bond fund in that way.

I respectfully suggest that the Legislature should make provision for the protection of the interest of the State in the public work it has loaned the credit of the State to complete, and to compel those who have fraudulently possessed themselves of money arising from a sale of the bonds to refund it with interest; to defeat the schemes that are on foot to work further wrong and injury to the State; and to insure proper application of the proceeds of the bonds and a completion of the important enterprise itself, that adventurers be no longer allowed to make the said public work a means of raising enormous sums of money to be dissipated with reckless profligacy.

WILLIAM ARCHER COCKE,
Attorney-General.

Mr. Jenkins moved that the message and accompanying com-

*note, 16. Dec. of 1864, signed by Littlefield
was for signing the road and
and 3rd Dec. 1864 the road was*

munication from the Attorney-General be referred to the Judiciary Committee, with instructions to report by bill or otherwise.

Which was agreed to.

The special committee to examine the books and accounts of the late Treasurer made the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., February 6, 1873. }

Hon. M. L. Stearns, President of the Senate:

The undersigned joint committee appointed to examine the accounts of the late Treasurer, beg leave to report: Owing to the retention of the keys of the safe by the late Treasurer, which contained all the books and accounts of the office, your committee were prevented from performing their duties for some time after their appointment, and it was only when the termination of the Senatorial contest gave the late Treasurer leisure to attend the meetings of your committee, that they were able to proceed with the investigation.

Your committee find the books of the office neatly kept, and exhibiting a complete record of all the transactions of the office. Vouchers are on file for every disbursement of scrip, and there is at least no evidence of dishonesty on the part of the late Treasurer. We find, however, that some of the affairs of the office are not in a condition indicating a strict attention of duty. We find the method adopted for the cancellation of scrip rather loose and irregular, and would recommend that the mode of retiring scrip from cancellation be prescribed by law. We find the safes in the Treasurer's office insufficient to meet the wants of the department, and regard them as inadequate to protect the documents from fire or the attempts of burglars. We recommend the making of an appropriation liberal enough to provide safes of such capacity and security as will meet the demands of the office. From the report of a committee made to the last Assembly your committee find that on February 1, 1872, there were in circulation warrants, known as "Greenback Scrip," to the amount of \$89,504. During the months of February, March and April, the sum of \$15,817 of this scrip was cancelled and retired from circulation, thus leaving afloat of this scrip the sum of \$73,687.

We have examined the warrants, Treasurer's certificates, and other evidence of indebtedness against the State, which have been cancelled and defaced, and we recommend that a committee be appointed to burn the same, together with the cancelled "Greenback Scrip," as useless and occupying space in the safes of the office required for more important records.

We find a balance against the late Treasurer on the 1st Janu-

ary, amounting to the sum of \$17,225.38, as per his report. This is made up of \$10,319.91 in tax-paying scrip; \$1,180 in special sinking fund; \$3,846.25 in jurors and witnesses certificates unaudited. We also find an unaudited account amounting to the sum of \$1,879.16 for contingent expenses of the State. The Treasurer, in explanation of this, says that he received the jurors and witnesses certificates some two or three years ago in payment of taxes, and that owing to the meagre appropriations for the payment of this species of indebtedness he has been unable to get a warrant to cover the amount, but hopes to be able to do so during the present session of the Legislature. The bill for contingent expenses was incurred in paying the incidental expenses of the departments for some time past, for which no provision had been made, and he was compelled to pay these sundry accounts from time to time.

We find four millions in Jacksonville, Pensacola and Mobile Railroad bonds on deposit in the office of the Treasurer, and recommend that all the bonds of the State be committed to the custody of the Treasurer.

A. L. McCASKILL,
D. EAGAN,
Committee on the part of the Senate.
THOS. HANNAH,
W. S. BUSH,
WM. W. J. KELLY,
Committee on the part of the Assembly.

The special committee to ascertain the present condition of the four hundred thousand dollars of Florida bonds, &c., made the following report:

SENATE CHAMBER, February 14, 1873.

Hon. M. L. Stearns, President of the Senate:

SIR: Your special committee, appointed in accordance with Senate Resolution No. —, for the purpose of ascertaining the history as well as the present condition of the four hundred thousand dollars of Florida bonds hypothecated, as also the history and present condition of the four million railroad aid bonds, beg leave to report that two of your special committee had been previously appointed on a joint committee, the duties of which have so much engaged our time until so near the close of the session, that your committee is of the opinion that at this late date they could not do justice to the subject matter set forth in the resolution; and, therefore, your committee ask to be discharged.

M. A. KNIGHT, Chairman.
E. T. STURTEVANT,
H. JENKINS.

The report was received and the committee discharged.

ORDERS OF THE DAY.

Senate Bill No. 44:

A bill to be entitled An act to Employ a Private Secretary to the Governor, and Clerks in Various Offices,

Was read the second time.

Mr. Eagan moved to amend section 1 by striking out "\$1,500" for private secretary of the Governor, and insert "\$1,000;"

Which was agreed to.

Mr. Eagan moved to strike out "\$1,500" for Comptroller's clerk, and insert "\$1,200;"

Which was agreed to.

Mr. Henderson moved that the bill be indefinitely postponed;

Which was not agreed to.

Mr. Henderson moved to strike out "private secretary at a salary of ——" and insert "messenger at a salary of \$600, and clerk of the Treasurer \$400, aggregating."

The yeas and nays were called for with the following result:

Yeas—Messrs. Billings, Crawford, Fortner, Ginn, Henderson, Johnson, Knight, McAuley, McCaskill, Pearce, and Smith—11.

Nays—Messrs. Dennis, Eagan, Hill, Jenkins, Long, McKinnon, Meacham, Oliveros, Pope, Potter, Sturtevant, and Sutton—12.

So the motion was lost.

Mr. Henderson moved to strike out section one, and insert: "SECTION 1. That the sum of thirty-six hundred dollars is hereby annually appropriated for the payment of clerks for the following offices: For the Governor, \$1,000; for the Comptroller, \$1,200; for the Secretary of State, \$700, and for Treasurer, \$700."

Mr. Meacham moved that the further consideration of the bill be postponed until to-morrow at 12 o'clock;

Which was agreed to.

The following message was received from the Governor:

EXECUTIVE OFFICE,
TALLAHASSEE, February 14, 1873.

SIR: I have this day approved and deposited in the office of the Secretary of State two bills originating in the Senate, entitled as follows, viz:

An act for the Relief of John F. Bartholf;

And, An act relative to Warehouse-men and Wharfingers.

Very respectfully,

O. B. HART, Governor.

Hon. M. L. STEARNS,
President of the Senate.

And ordered spread upon the journal.

Senate Bill No 72:

An act entitled an act to Alter and Amend Chapter 1931 of the Laws of Florida,

Was read the second time.

On motion of Mr. Knight, the rules were waived, and the bill read the third time and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—21.

Nays—None.

So the bill passed, title as stated.

Senate Bill No. 12½:

Entitled a bill to be An act to authorize the Construction of a Draw-bridge over Six-mile Creek, in the county of Duval, State of Florida,

Was read second time.

Mr. Jenkins moved that the rules be waived, the bill read the third time and put upon its passage. Objections being raised, the roll was called with the following result:

Yeas—Messrs. Billings, Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, Pope, Potter, Sturtevant, and Sutton—22.

Nays—Mr. Smith—1.

Two-thirds voting in the affirmative, the motion was agreed to and the bill read the third time and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Billings, Crawford, Dennis, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—19.

Nays—Mr. Eagan—1.

So the bill passed, title as stated.

Assembly Bill No. 52:

An act for the Relief of Hilliard Jones, Jr.,

Was read the second time.

On motion of Mr. Jenkins the rules were unanimously waived, the bill read the third time, and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Billings, Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long,

McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—23.

Nays—None.

Senate Bill No. 51:

An act to Incorporate the West Florida Boom Company,
Was read the second time, and the following committee amendments to the bill were read:

Amendments to be inserted between sections 8 and 9, the latter being changed to section 11:

SEC. 9. The charges for toll upon logs and timber, as provided in section 3, shall be established by the Board of County Commissioners of Escambia county, and the Boom Company shall be liable for the loss of logs from the boom, the amount of compensation for the loss to be fixed by the county commissioners named.

SEC. 10. That all boats, barges, and other water craft desiring to pass said boom, and being delayed a longer time than is allowed by the county commissioners of Escambia county for passing said boom, shall recover damages for such delay, if injury is sustained thereby, the amount of damage to be fixed by the county commissioners.

And, on motion of Mr. Potter, were adopted and the bill as amended ordered to be engrossed.

Senate Bill No. 70:

An act to be entitled An act to Prescribe and Regulate a License Tax for Counties and Incorporated Cities,

Was read the second time and, on motion of Mr. Billings, the rules were unanimously waived, the bill read the third time and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Billings, Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—22.

Nays—None.

So the bill passed, title as stated.

Senate Bill No. 63:

A bill to be entitled An act in relation to Rates of Pilotage,
Was read the second time and ordered engrossed.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER, February 14, 1873.

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred—
Senate Bill No. 60:

Entitled An act in relation to the Time of Holding the Courts in the Fourth Judicial Circuit; and

Senate Bill No. 71:

An act entitled An act Taxing Telegraph Lines Operating in this State; beg leave to report that they have examined the same and find them correctly engrossed.

Respectfully,

E. T. STURTEVANT, Chairman.

Assembly Bill No. 52:

An act to repeal an act entitled An act to Simplify and Abridge the Practice, Pleadings, and Proceedings of the Courts of this State,

Was read the third time and put upon its passage.

Upon the question—Shall the bill pass?

The vote was—

Yeas—Messrs. Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Long, McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, and Smith—16.

Nays—Messrs. Billings, Johnson, Pope, Potter, and Sturtevant—5.

So the bill passed, title as stated.

On motion of Mr. Meacham the Senate took a recess until 3:55 P. M.

FOUR O'CLOCK P. M.

The Senate re-assembled.

The Lieutenant-Governor in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Crawford, Dennis, Ginn, Henderson, Jenkins, Knight, Long, McAuley, McCaskill, Oliveros, Pearce, Pope, Smith, Sturtevant, and Sutton—15.

A quorum present.

Mr. Knight offered the following resolution:

Resolved, That the Sergeant-at-arms be directed to procure lights for the use of the Senate immediately,

Which was not agreed to.

A committee from the Assembly appeared and notified the Senate that the Assembly were ready to meet the Senate in joint assembly for the purpose of electing a Public Printer.

The hour having arrived for the Senate and Assembly to meet in joint session for the purpose of electing a Public Printer, the Senate proceeded in a body to the Assembly Hall.

The President of the Senate took the chair.

The Senate roll was called and the following Senators answered to their names:

Messrs. Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—20.

The Assembly roll was called and forty-five members answered to their names.

A quorum present.

Mr. Hannah nominated L. W. Rowley.

Mr. Proctor nominated Hamilton Jay.

Mr. Scott nominated J. W. Menard.

Senator Johnson nominated J. Tyler.

Mr. Martin nominated C. H. Walton.

Mr. Livingston nominated E. M. Cheney.

Mr. McKinnon nominated Frank Baltzell.

Mr. Johnson nominated H. Reed.

Senator Dennis nominated J. W. Butler.

Mr. Llanbias nominated — Whitney.

Senator Eagan nominated C. E. Dyke.

Senator Smith nominated H. Potter.

On motion of Mr. Proctor the joint assembly proceeded to ballot for a Public Printer, with the following result:

FIRST BALLOT.

For Jay—Senate, Messrs. Crawford, Fortner, Henderson, and Sutton, 4; Assembly, 20. Total, 24.

For J. W. Butler—Senate, Mr. Dennis, 1; Assembly, 0. Total, 1.

For C. H. Walton—Senate, Messrs. Eagan and Potter, 2; Assembly, 6. Total, 8.

For Dyke—Senate, Messrs. Ginn, Knight, and McAuley, 3; Assembly, 1. Total, 4.

For Menard—Senate, Messrs. Hill, Jenkins, Long, Pearce, Pope, and Sturtevant, 6; Assembly, 11. Total, 17.

For Tyler—Senate, Mr. Johnson, 1; Assembly, 0. Total, 1.

For Baltzell—Senate, Messrs. McCaskill and McKinnon, 2; Assembly, 2. Total, 4.

For Whitney—Senate, Mr. Oliveros, 1; Assembly, 1. Total, 2.

For Potter—Senate, Mr. Smith, 1; Assembly, 2. Total, 3.

For Cheney—Senate, 0; Assembly, 1. Total, 1.

There being no choice, on motion of Mr. Proctor the joint assembly proceeded to a second ballot, with the following result:

SECOND BALLOT.

For Jay—Senate, Messrs. Crawford, Fortner, Ginn, Henderson, Johnson, Knight, McAuley, Oliveros, Pearce, Smith, and Sutton, 11; Assembly, 27. Total, 38.

For Menard—Senate, Messrs. Dennis, Eagan, Hill, Jenkins, Long, Pope, and Sturtevant, 7; Assembly, 15. Total, 22.

For Baltzell—Senate, Mr. McCaskill, 1; Assembly, 2. Total, 3.

For Cheney—Senate, Mr. McKinnon, 1; Assembly, 0. Total, 1.

For Walton—Senate, Mr. Potter, 1; Assembly, 3. Total, 4.

Mr. Hamilton Jay having received a majority of the votes cast was declared elected, and, on motion of Mr. Washington, the joint assembly adjourned *sine die*.

The Senate returned in a body to the Senate Chamber.

The hour of 4:30 o'clock having arrived when the Committee on Printing should report on Assembly Bill No. 35, it was made the special order of the day.

Mr. Henderson called for the committee's report.

Mr. Potter moved to postpone the special order for one half hour.

Objections being raised, the roll was called with the following result:

Yeas—Messrs. Dennis, Eagan, Johnson, Meacham, Pearce, Pope, Potter, and Sturtevant—9.

Nays—Messrs. Crawford, Fortner, Ginn, Henderson, Hill, Knight, McAuley, McCaskill, McKinnon, Oliveros, Smith, and Sutton—12.

So the motion was lost.

Mr. Potter moved that the Senate adjourn.

Objections being raised, the roll was called with the following result:

Yeas—Messrs. Eagan, Hill, Johnson, Meacham, Pope, Potter, and Sturtevant—7.

Nays—Messrs. Crawford, Dennis, Fortner, Ginn, Henderson, Jenkins, Knight, McAuley, McCaskill, McKinnon, Oliveros, Pearce, Smith, and Sutton—14.

So the motion was lost.

The Committee on Printing made the following report:

SENATE CHAMBER,
TALLAHASSEE, February 13, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: Your committee to whom was referred Assembly Bill No. 35, entitled An act to repeal an act Concerning Official and Legal Advertisements, beg leave to report that they have examined the same and recommend that it be not passed.

Respectfully,

HIRAM POTTER, Chairman.
ROBERT MEACHAM,
L. G. DENNIS.

The following minority report was made:

TALLAHASSEE, Fla., February 14, 1873.

Hon. M. L. Stearns, President of the Senate:

SIR: The minority of your Committee on Public Printing beg leave to make this their report on the following bill, An act to repeal an act Concerning Official and Legal Advertisements:

That the requirements of this act proposed to be repealed are onerous indeed, by forcing the public to patronize newspapers published at a great distance from the locality interested in the publication, which have no local circulation, paying therefor frequently exorbitant rates; that it is a partizan act, unconstitutional and proscriptive in its provisions, and is a burden bearing heavily on the people, and therefore recommend that the bill do pass.

Respectfully,

B. F. OLIVEROS,
A. L. McCASKILL,
Minority of Committee.

Which was read and, on motion of Mr. Henderson, Assembly Bill No. 35, a bill to Provide for Official Advertisements, was taken up and read the second time.

Mr. Henderson moved that the rules be waived and the bill read the third time.

Objections being raised the roll was called with the following result:

Yeas—Messrs. Crawford, Fortner, Ginn, Henderson, Knight, McAuley, McCaskill, McKinnon, Oliveros, Pope, and Smith—11.

Nays—Messrs. Dennis, Eagan, Hill, Jenkins, Johnson, Long, Meacham, Pearce, Potter, Sturtevant, and Sutton—11.

It requiring a two-thirds vote to suspend the rules, the motion was lost.

Mr. Henderson moved that the bill be made the special order for to-morrow morning at 10:20 A. M.

Objections being raised, the roll was called with the following result:

Yeas—Mr. President, Messrs. Crawford, Fortner, Ginn, Henderson, Knight, McAuley, McCaskill, McKinnon, Oliveros, Smith, and Sutton—12.

Nays—Messrs. Dennis, Eagan, Hill, Jenkins, Johnson, Long, Meacham, Pearce, Pope, Potter, and Sturtevant—11.

So the motion was lost.

Mr. Dennis moved that the bill be indefinitely postponed,

Which was objected to.

Mr. Henderson asked that the Chair rule that any Senator having a pecuniary interest in the publication of any of the

official newspapers in this State, shall not be allowed to vote upon the question of the indefinite postponement of the passage of Assembly Bill No. 35, An act to Repeal an act with Reference to Legal Advertising.

The Chair ruled that he did not feel authorized to deprive any Senator of his vote on that ground.

Upon the question of postponement—Shall the bill be postponed?

The vote was—

Yeas—Mr. President, Messrs. Dennis, Eagan, Hill, Jenkins, Johnson, Long, Meacham, Pearce, Pope, Potter, and Sturtevant—12.

Nays—Messrs. Crawford, Fortner, Ginn, Henderson, Knight, McAuley, McCaskill, McKinnon, Oliveros, Smith, and Sutton—11.

So the bill was indefinitely postponed.

Mr. Johnson moved that the Senate go into Executive session;

Which was not agreed to.

On motion of Mr. Henderson the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, FEBRUARY 15, 1873.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Billings, Crawford, Dennis, Eagan, Fortner, Ginn, Henderson, Hill, Jenkins, Johnson, Knight, Long, McAuley, McCaskill, McKinnon, Meacham, Oliveros, Pearce, Pope, Potter, Smith, Sturtevant, and Sutton—23.

Prayer by the Chaplain.

On motion of Mr. Eagan the reading of the journal was dispensed with and approved.

The following communication was received from the Assembly:

ASSEMBLY HALL,
TALLAHASSEE, Fla., February 15, 1873. }

Hon. M. L. Stearns, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day passed—

Assembly Bill No. 70:

To be entitled An act for the Relief of A. B. Hawkins and others;